

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE: JOHNSON & JOHNSON  
TALCUM POWDER PRODUCTS  
MARKETING, SALES  
PRACTICES, AND PRODUCTS  
LIABILITY LITIGATION

MDL No. 16-2738 (MAS) (RLS)

*THIS DOCUMENT RELATES TO  
ALL CASES*

~~PROPOSED~~ **ORDER REGARDING CMO 9 NOTICES**

**THIS MATTER**, having been brought before the Court by the filing of notices of inability to substitute a party plaintiff pursuant to Case Management Order No. 9 and Defendants Johnson & Johnson and LLT Management, Inc., f/k/a LTL Management, Inc.'s ("Defendants") Omnibus Response to those notices; and the Court having considered the papers and any opposition thereto; and having considered the arguments of counsel, if any; and for good cause shown;

**IT IS** on this 15<sup>th</sup> day of May, 2024, **ORDERED** as follows:

1. All notices of inability to substitute the party plaintiff filed by plaintiffs pursuant to Case Management Order 9 are hereby deemed to be notices of death for purposes of Fed. R. Civ. P. 25.
2. All cases to which Case Management Order No. 9 applies (i.e., those in

which the plaintiff was deceased as of September 1, 2023) shall either move to substitute a proper plaintiff or file an amended complaint pursuant to Paragraph 1 of the Court's October 10, 2023 Order Governing Amendments to Complaints (ECF 28519) no later than July 12, 2024.

3. If the deadline imposed in Paragraph 2 above cannot be met in an individual case, counsel for plaintiff shall file and serve a Notice of Inability to Substitute, using the form filed as Exhibit A to this Order no later July 12, 2024.

4. Cases that fail to comply with either the deadline in Paragraph 2 above or the notice requirements in Paragraph 3 above shall be subject to a show cause order as to why the case should not be dismissed with prejudice.

5. Cases in which a notice is filed pursuant to Paragraph 3 above shall either move to substitute a proper plaintiff or file an amended complaint pursuant to Paragraph 1 of the Court's October 10, 2023 Order Governing Amendments to Complaints (ECF 28519) no later than October 10, 2024. Cases that fail to comply with this deadline shall be subject to a show cause order as to why the case should not be dismissed with prejudice.



---

**RUKHSANAH L. SINGH**  
**UNITED STATES MAGISTRATE JUDGE**

# Exhibit A

IN THE UNITED STATES  
DISTRICT COURT FOR THE  
DISTRICT OF NEW JERSEY

IN RE: JOHNSON & JOHNSON TALCUM POWDER PRODUCTS MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION	MDL No. 16-2738 (MAS) (RLS) JUDGE MICHAEL A. SHIPP MAG. JUDGE RUKHSANAH L. SINGH
<b>THIS DOCUMENT RELATES TO:</b>  <<DECEDENT NAME>>,  <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">v.</div> <div style="text-align: center;">JOHNSON &amp; JOHNSON, ET AL.</div> <div style="text-align: center;">Defendants.</div>	Civil Action No. <<Docket No>>

**NOTICE OF INABILITY TO SUBSTITUTE**

In accordance with Case Management Order No. 9 – Status of Deceased Plaintiffs, Counsel for Plaintiff in the above-referenced action hereby gives notice of the inability to substitute a proper party within the timeline outlined by the CMO.

Upon information and belief, \_\_\_\_\_ died on or about \_\_\_\_\_. Counsel for Plaintiff is unable to substitute a proper party in this action, because (select one option below):

	<b>Category One</b>	
	Probate petition has been filed, but no order appointing a personal representative has been entered.	

	<b>Name of petitioner:</b>	
	<b>Court, Case Number, and Date filed</b>	
	<b>Remand state:</b>	
	<b>Category Two</b>	
	Probate counsel has been retained, but a probate petition has not yet been filed.	
	<b>Name of petitioner:</b>	
	<b>Date probate counsel retained:</b>	
	<b>Remand state:</b>	
	<b>If it is anticipated that the probate petition will not be filed prior to September 28, 2024, please provide non-privileged information in explanation:</b>	
	<b>Category Three</b>	
	Next of kin has not yet been identified or retained, and probate is required to substitute parties.	
	<b>Remand state:</b>	
	<p>Counsel represents that good faith efforts have been undertaken, continuing into calendar year 2024, to identify and retain next of kin for purposes of substitution of parties and provide the following non-privileged information in explanation:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	

	<b>Category Four</b>	
	Next of kin has not yet been identified or retained, probate is not required to substitute parties.	
	<b>Remand state:</b>	
	<p>Counsel represents that good faith efforts have been undertaken, continuing into calendar year 2024, to identify and retain next of kin and provide the following non-privileged information in explanation:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	
	<b>Cite case law and/or statute(s) that permit substitution without probate:</b>	

Dated: \_\_\_\_\_

Respectfully submitted by,

\_\_\_\_\_

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 13, 2024, a copy of the foregoing document was filed via the Court's CM/ECF electronic filing system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ \_\_\_\_\_